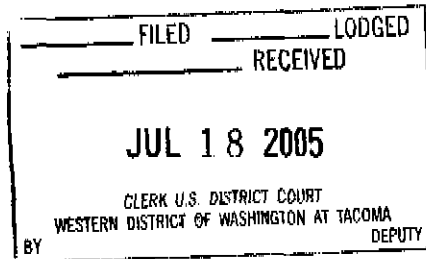


HONORABLE RONALD B. LEIGHTON



05-CV-05244-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In re:

NW COMMERCIAL LOAN FUND, LLC

US Dist. Ct. No. C05-5244RBL
Internal BK Ct. No. 05-T001
BK No. 02-40511

ORDER ON ATTORNEYS' FEES

THIS MATTER comes on before the above-entitled Court upon Byrne's Motion for an Award of Attorneys' Fees [Dkt. #13].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Byrne, et. al. seek attorneys' fees and sanctions against First Meridian under Fed. R. Bankr. P. 8020 for the filing of a frivolous appeal, later dismissed by the appellants. For purposes of Fed. R. Bankr. P. 8020, the standard for frivolousness found in Fed. R. App. P. 38 is used. *In re Weinstein*, 227 B.R. 284, 297 (9th Cir. BAP 1998). Under Fed. R. App. P. 38 an appeal is frivolous if "the result is obvious or the appellant's arguments are wholly without merit." *Id.* Based upon the timing of the orders from the bankruptcy court, the timing of the hiring of counsel, and the need for expeditious action to preserve the rights of First Meridian, this Court finds that the appeal had some merit. Therefore, it is hereby

ORDERED that First Meridian's Motion to File an Over-length Brief [Dkt. #17] is **GRANTED**; and it is further

ORDER
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ORDER
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